

REMARKS

Claims 1, 3, 7, 9, 11 and 17 have been amended by this Response to correct an informality. Claims 1, 3, 4, 6-9, 11, 12, 14, 17 and 18 remain in the application. Applicant respectfully requests reconsideration and allowance in view of the following.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication that claims 3, 6, 11 and 14 would be allowable in independent form, and that claims 7, 8, 17 and 18 would be allowable if amended to correct the informalities noted below. However, Applicant believes that all claims are now in condition for allowance.

Claim Objections

The Examiner objects to an informality in claims 3, 7, 11 and 17 (and, by dependency, claims 6, 8, 14 and 18), regarding the term "the received information," which the Examiner suggests replacing with "the transmitted information." However, in view of the amendments discussed below, Applicant believes this objection is moot.

Rejection of Claims 1, 4, 9 and 12 Under 35 U.S.C. § 103(a) – Bearden et al. and Baum

Claims 1, 4, 9 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Bearden et al.* (U.S. Patent Application Publication No. 2004/0062204 of Mark J. Bearden, et al.) in view of *Baum* (U.S. Patent Application Publication No. 2003/0200311 of Robert T. Baum). Applicant respectfully traverses this rejection for at least the following reasons, which are the same reasons articulated in the response filed May 30, 2008.

1. Reply to Examiner's "Response to Arguments"

In the "Response to Arguments" section of the present Office Action, the Examiner responds to Applicant's arguments set forth in the response filed May 30, 2008, by stating that "the features upon which applicant relies (i.e., sending a telephone number to the edge routers) are not recited in the rejected claims. . . . In claim 1, applicant is only claiming transmitting information indicating a respective telephone number" Applicant respectfully submits that the term "information indicating a respective telephone number" means essentially the same as "a respective telephone number." Applicant chose the term "information indicating a respective telephone number" because Applicant was cognizant of

the technical reality that a “telephone number” such as “123-555-1212” is literally nothing more than a string of human-perceptible symbols and is not inherently in a form that can be electronically transmitted. Applicant intended the term “information indicating a respective telephone number” to mean an electronic representation or indication of a telephone number.

Accordingly, Applicant’s arguments in the response filed May 30, 2008, were written with this meaning in mind, and Applicant in no way intended to argue a limitation not in the claims. If, in Applicant’s zeal to be technically precise, Applicant’s choice of language inadvertently rendered the claim broader than intended, Applicant regrets that choice of language. In any event, with this intended meaning now clearly articulated herein for the record, Applicant has amended claim 1 to simply recite “transmitting a respective telephone number . . .” and has amended claims 3, 7, 9, 11 and 17 correspondingly. Applicant believes that any person skilled in the art would understand that it is an electronic representation or indication of a telephone number that is actually transmitted.

2. Arguments

The claims recite, among other things, that the Network Troubleshooting Center (NTC) sends a telephone number to the Network Analyzers (NAs) that monitor the communication lines through which VoIP data streams are transmitted, so that the NAs can listen for VoIP data streams associated with a telephone call having the telephone number as a source or destination and collect quality of service data for those data streams. Applicant respectfully submits that Baum does not teach sending a telephone number to the edge routers that detect packets relating to a telephone call to be monitored. (The *Baum* system is used for “wiretapping” a VoIP telephony system.) Rather, as shown in Fig. 14 of *Baum* and described in the associated text, the Soft Switch (536) maintains a list of the telephone numbers to be monitored and a database that relates telephone numbers to IP addresses. The Soft Switch sends IP addresses to the Location and Customer Information Server (534), which can then determine which edge routers would be involved in the call. The edge routers that are involved in the call then monitor for VoIP data packets that relate to the calls to be monitored. The edge routers are never in possession of telephone numbers that relate to such calls. It should also be noted that the Soft Switch, not the edge routers, contains the call monitoring routine (see Fig. 14), i.e., the intelligence that drives the process for monitoring a call. The edge routers do not include such intelligence. Rather, they mainly perform the packet routing function of a conventional network edge router and also detect data packets as

may be requested. Thus, they are not like the Network Analyzers recited in Applicant's claims, and not like the "endpoint devices" disclosed in *Bearden et al.*

Applicant also respectfully disagrees that *Baum* discloses anything that would make a system such as that disclosed in *Bearden et al.* more "accurate" by adding features to monitor a VoIP telephone call based upon a telephone number. In the *Bearden et al.* system, the only calls for which QoS information is generated are those that the endpoint devices synthesize themselves for that purpose. As the Examiner recognizes, QoS information is not obtained for ordinary calls through the network, i.e., calls placed by actual users dialing telephone numbers. If the Examiner's use of the term "accuracy" refers to accuracy in determining what call to monitor or in identifying packets relating to such a call, the *Bearden et al.* system cannot be made any more "accurate" than it already is, as the system is in full control of the test calls that its own endpoint devices synthesize or initiate. The *Bearden et al.* system has all the information it needs about such calls, since the system itself originated them for testing purposes. There would be no problem whatsoever with "accuracy" in the *Bearden et al.* system, such that some teaching in *Baum* could allegedly improve such accuracy. In contrast, Applicant's invention is concerned with monitoring QoS calls about which not all information is known, such that the various Network Analyzers are required to search for data packets relating to the telephone number. Therefore, Applicant respectfully submits that improving accuracy in the *Bearden et al.* system would not have motivated one of ordinary skill in the art to have considered incorporating the above-discussed features of the *Baum* system.

As *Bearden et al.* and *Baum* neither collectively disclose all features recited in claims 1, 4, 9 and 12 nor provide a motivation or reason why a person of ordinary skill in the art would combine their teachings to arrive at the invention as set forth in these claims, Applicant respectfully submits that the invention as recited in these claims would not have been obvious to a person of ordinary skill in the art in view of *Bearden et al.* and *Baum*. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection of these claims.

CONCLUSION

For at least the foregoing reasons, Applicant respectfully requests that all outstanding rejections be reconsidered and withdrawn and that all pending claims of this application be allowed to issue. If the Examiner has any comments regarding Applicant's response or

intends to dispose of this matter in a manner other than a notice of allowance, Applicant requests that the Examiner telephone Applicant's undersigned attorney.

Respectfully submitted,

SMITH FROHWEIN TEMPEL
GREENLEE BLAHA LLC
Customer No. 35856

By: /Lawrence D. Maxwell/
Lawrence D. Maxwell, Reg. No. 35,276
(770) 709-0085